

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Loretta Sabrina Marshall,  
*Individually and on behalf of all others  
similarly situated,*

Plaintiff,

V.

Georgetown Memorial Hospital,  
*d/b/a Tidelands Health,*

Defendant.

Civil Action No. 2:21-2733-RMG

## ORDER

Before the Court is the Report and Recommendation of the Magistrate Judge, (Dkt. No. 15) (the “R&R”), recommending that Defendant’s motion to stay litigation and compel arbitration or alternatively, to dismiss, (Dkt. No. 6), be denied.

On January 19, 2022, Defendant filed objections to the R&R to which Plaintiff filed a reply. In its objections, Defendant did not dispute the analysis of the Magistrate Judge as it applied to the information and arguments Defendant presented in its original motion. (Dkt. No. 18). Rather, in its objections, Defendant attached new information—specifically the supplemental declaration of Angela Traver—which appears relevant to determining whether Defendant’s motion should be granted.

Considering the new information raised in Defendants' objections, and to afford both Defendant and Plaintiff a full opportunity to dispute all pertinent issues on the merits, the Court declines to adopt as moot the R&R. The Court rerefers this matter to the Magistrate Judge such that full briefing on the issues raised in Defendant's objections may be obtained and that Defendant's motion be considered in light of such briefing. *See Anderson v. S. Fin. of S.C. Inc.*,

No. 3:21-cv-2264-MGL-PJG, 2021 WL 5403755, at \*2 (D.S.C. 2021), *Report and Recommendation adopted by* 2021 WL 5371476 (D.S.C. Nov. 18, 2021) (“In ruling on a motion to compel arbitration, the court employs the summary judgment standard.”)

**AND IT IS SO ORDERED.**

s/ Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

February 14, 2022  
Charleston, South Carolina